



CITY OF MEMPHIS

COUNCIL AGENDA

September 1, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (August 18, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT

1. RESOLUTION authorizing the application to the Federal Foreign-Trade Zones Board for Foreign-Trade Subzone status for Cummins, Inc., at 4155 Questway in Memphis, Tennessee. The City of Memphis is the designated Grantee of Foreign-Trade Zone Number 77. Resolution further authorizes the Mayor of the City of Memphis to execute all documents necessary for the submission of the subzone application.

Collins

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

2. **ORDINANCE** amending Chapter 2, Article 1, Section 2-10 of the code of Ordinances so as to amend the membership requirements of the Board of Ethics of the City of Memphis, up for S E C O N D reading.

Boyd

Ordinance No. 5327

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

3. **RESOLUTION** approving final plat of RIGGINS HILLS P.D., 2ND AMENDMENT, PHASE 3.

Case No. PD 00-303

Contract No. CR-5145

Resolution approves the final plat located on the south side of U.S. Highway 64, 567 feet west of Houston Levee Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. **NOTATIONS FROM OPD**

NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 09-302cc – Cordova Ridge P.D., 4th Amendment

Located on the south side of Macon Road; +/-1,117 feet east of Houston Levee Road, containing 8.45 acres in an area currently governed by Cordova Ridge P.D., 3rd Amendment (P.D. 01-331cc)

Applicant: Community Bank N.A.
Solomito Land Planning – Representative

Request: Plan amendment to create Parcel 1-B to allow self-service mini-storage warehouses in Parcel 1 of the Outline Plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

B. Case No. PD 09-313cc – Woodland Hills P.D., 10th Amendment

Located on the southeast corner of Macon Road and Macon View Drive, containing 6.93 acres in an area currently governed by Woodland Hills P.D., 9th Amendment (PD. 05-381cc)

Applicant: Ethridge Enterprises
Harkavy-Shainberg-Kaplan-Dunstan, PLC – Representative

Request: Plan amendment to Parcel 5 to allow limited Planned Commercial (C-P) District land uses

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

C. Case No. PD 09-319 – Linden Avenue and Fourth Street P.D.

Located on the southeast corner of Linden Avenue and Fourth Street, extending eastward to Turley Street, containing 2.80 acres in the Sports and Entertainment (SE) District

Applicant: Royal Phoenix Development (Marlon Phoenix)
ETI Corporation (Ralph Smith) – Representative

Request: 11 story hotel with future ground floor retail uses

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 09-606 – Delp Street Closing

Located on Delp Street at-grade railroad crossing, south of Pidgeon Roost Road, containing .40 acres

Applicant: BNSF Railway
W. Max Rexroad/Hanson-Wilson, Inc. – Representative

Request: Close Delp Street at its at-grade railroad crossing south of Pidgeon
Roost Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: September 15, 2009



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MLGW FISCAL CONSENT

5. RESOLUTION awarding Contract No. 11370, Electronic Bill Presentment and Payment Services, to Metavante Corporation in the funded amount of \$1,250,000.00.
6. RESOLUTION awarding contract for multiplexer parts to GE Digital Energy Lentrionics in the amount of \$236,510.40.
7. RESOLUTION awarding 60-month contract for tap and terminal kits to H D Supply in the amount of \$924,254.00.
8. RESOLUTION awarding 36-month contract for 65' painted steel poles to M. D. Henry Company, Inc. in the amount of \$1,428,300.00.
9. RESOLUTION awarding 60-month contract for URD secondary cable to H D Supply in the amount of \$9,753,588.00.



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REGULAR AGENDA

10.
Flinn

APPOINTMENTS

Animal Shelter Advisory Committee

Appointment

Jacquelyn Johns

City Beautiful Commission

Appointments

Karla Davis

Deni Carr Reilly

Memphis Area Transit Authority

Appointment

John Vergos

Memphis Housing Authority Board

Appointment

Mark Jones

Memphis & Shelby County Center City Revenue Finance Corporation Board

Appointment

Brandy Ann Johnson-Ward (Joint Appointment)

Memphis & Shelby County New Arena Public Building Authority Board

Appointments

Julie Raines (Joint Appointment)
Johnnie Turner (Joint Appointment)
David Peck (Joint Appointment)

GENERAL ORDINANCES -THIRD AND FINAL READING

11. **ORDINANCE** fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for T H I R D and F I N A L reading. (Held from 7/7; 7/21; 8/4; 8/18)

Lowery

Ordinance No. 5319

ACTION REQUESTED: Take whatever action Council deems advisable

12. **ORDINANCE** amending Chapter 2, Article V, Division 3, of the Code of Ordinances, to establish requirements for a City of Memphis Fleet and Employee Take Home Vehicles, up for T H I R D and F I N A L reading. (Held from 8/4; 8/18)

Flinn

Ordinance No. 5323

ACTION REQUESTED: Take whatever action Council deems advisable

13. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to modify Section 21-80 (b) of the Traffic Control Photographic System Requirements, up for T H I R D and F I N A L reading. (Held from 8/18)

Hedgepeth

Ordinance No. 5325

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

14. RESOLUTION appropriating \$2,000,000.00 for CIP Project IS01060, Computer Aided Dispatch with Mobile Data Terminals, which was approved by City Council in the FY 2010 CIP Budget.

Collins

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION appropriating \$1,590,000.00 in G.O. Bonds General in FY 2010 CIP IS01052 to correlate the numerous event login applications used by the City to collect information that was approved by City Council in the FY 2010 CIP Budget.

Collins

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION appropriating \$1,500,000.00 in G.O. Bonds General in FY 2010 CIP IS01066 to ensure recovery of all mission critical system components, telecommunications, interfaces and applications in the event of a disaster that was approved by City Council in the FY 2010 Budget.

Ford

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION appropriating \$1,500,000.00 for CIP Project IS01061, Oracle Release 12 Upgrade, which was approved by City Council in the FY 2010 CIP Project.
- Ford

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION appropriating \$1,000,000.000 for CIP Project IS01059, Traffic Signs Inventory Assessment and Information Management System, which was approved by City Council in the FY 2010 CIP Budget.
- Collins

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION appropriating \$250,000.00 for CIP Project IS01055, Radio Maintenance Infrastructure Upgrade, which was approved by City Council in the FY 2010 Budget.
- Collins

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION appropriating \$250,000.00 for CIP Project IS01062, Telephone Systems Upgrade and Replacement, which was approved by City Council in the FY 2010 CIP Budget.
- Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

21. RESOLUTION accepting and appropriating \$3,329,685.00 in Homeless Prevention and Rapid Re-Housing Program (HPRP) Grant Funds. Resolution appropriates HPRP funds from the U.S. Department of Housing and Urban Development to the FY 2010 Budget.
- Ford

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION accepting and appropriating \$2,177,302.00 in CDBG Recovery (CDBG-R) Grant funds. Resolution appropriates CDBG-R funds from the U.S. Department of Housing and Urban Development to the FY 2010 Budget.
- Ford

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION authorizing the Division of Housing and Community Development to award \$588,499.00 in funding to designated 501(c)3 organizations for the purpose of community development, community initiatives and economic development activities.
- Ford

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION appropriating \$2,500,000.00 of the FY 2010 Capital Improvement Budget for the MHA-Legends Park (Dixie Homes) Project.
Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

25. RESOLUTION approving full and final settlement of all claims by the City of Memphis and Joseph Lee, III in an amount up to \$426,422.33. (Held from 7/21; 8/18)
Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

26. RESOLUTION seeking City Council approval to allow the Riverfront Development Corporation to utilize the net proceeds from the sale of 11.04 acres of Mud Island property to cover any funding shortfalls in City Contract No. 15428 that may occur in FY 2010. (Held from 8/18)
Strickland

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION requesting City Council approval of a Lease Agreement between the City of Memphis through the Division of Park Services and Memphis Athletic Ministries (MAM) to manage and operate the following four community center facilities: Greenlaw, 190 Mill Avenue; Simon/Boyd-Magnolia, 2130 Wabash Street; Bethel LaBelle, 2698 Larose Avenue; and Hamilton, 1363 Person Avenue. The Agreement is for an initial two (2) year period with an option to exercise two renewal periods of four (4) years each.
Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

28. RESOLUTION accepting Federal Grant funds from the State of Tennessee Department of Transportation and establishing and allocation in the amount of \$444,600.00.

Resolution also amends the FY 2010 Capital Improvement Budget by transferring an allocation of \$144,320.00 in construction costs funded by G.O. Bonds General from Metal Museum N. Bluff Repair, Project Number PW04073 to A/E, US 51/E. Presley Blvd., Project Number PW01210.

Boyd

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION amending the FY 2010 Capital Improvement Budget by transferring an allocation of \$2,567,631.00 funded by Sewer Funds from Rehab Existing Sewers, Project Number SW02001 to Sewer Line Replacement FY 2008, Project Number SW02074. Resolution also appropriates \$2,567,631.00 funded by Sewer Funds for Sewer Line Replacement FY 2008, Project Number SW02074 for an extension to a construction contract with Acuff Enterprises, Inc., dba Scott Contractors, Inc.

Boyd

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

30. RESOLUTION appropriating \$3,932,605.00 funded by Sewer Revenue bonds for South Plant Expansion Project, Project Number SW02033 for a construction contract with Chris-Hill Construction Co., LLC to replace the cover and repair the anchor wall at the South Plant Lagoon.

Boyd

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 3 – Approved
4. A,B, & D – Public Hearing Set for September 15, 2009
4. C – Public Hearing Set for October 20, 2009
5. Through 10 – Approved
- 11 & 12 – Held until September 15, 2009
13. Sent Back to Committee
14. Through 24 – Approved
25. Tabled
26. Approved, as amended
27. Through 30 – Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 18, 2009 MEETING

Approved, as amended

ACTION TAKEN ON THE MINUTES OF ITEMS #27 & #30 FROM TONIGHT'S MEETING

Approved